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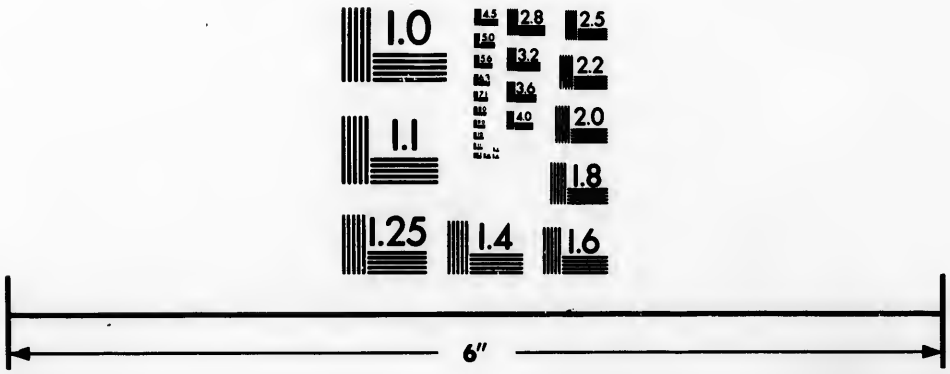

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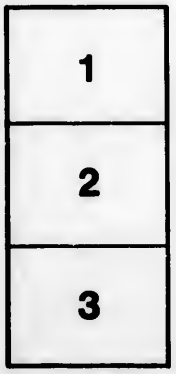
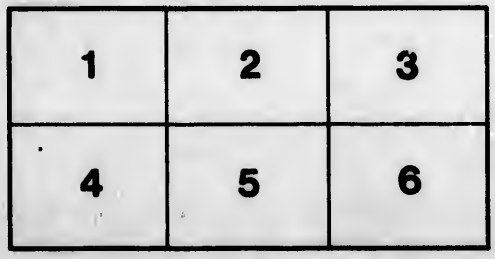




1st Session, 4th Parliament, 16 Victoria, 1852.

PETITION.

Of Joseph Painchaud, and others of the City of Quebec.

Printed by Order of the Legislative Assembly.

QUEBEC:
PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

1st Session, 4th Parliament, 16 Victoria, 1852.

PETITION.

To the Honorable the Knights, Citizens and Burgesses of Canada, in Parliament assembled:

THE HUMBLE PETITION OF JOSEPH PAINCHAUD, OF THE CITY OF QUEBEC, PHYSICIAN AND SURGEON, AND OF THE UNDERSIGNED CITIZENS, MOST RESPECTFULLY REPRESENTS,

That on the night between the twenty-fifth and twenty-sixth of December last, the extensive range of buildings, known as the Artillery Barracks and Arsenal near Palace Gate, in the Upper Town of the City of Quebec, took fire from some accident or cause to your Petitioners unknown, and was thereby destroyed.

That during the conflagration, and to arrest its progress (as it was said), gunpowder was placed, by order, as the Petitioners are informed, and believe, of the Commandant of the Garrison, Colonel Gordon Higgins, of the Royal Artillery, in a part of the building, and in the immediate proximity of the dwelling houses in which your Petitioners and their families reside, and that the same was, without any previous notice to them, and without the least knowledge on their part of the intention of the said Commandant, Colonel Higgins, blown up. In consequence whereof, not only the dwelling houses of your Petitioners were materially damaged by the explosion, but the lives also of your Petitioners and of their families were thereby imminently endangered.

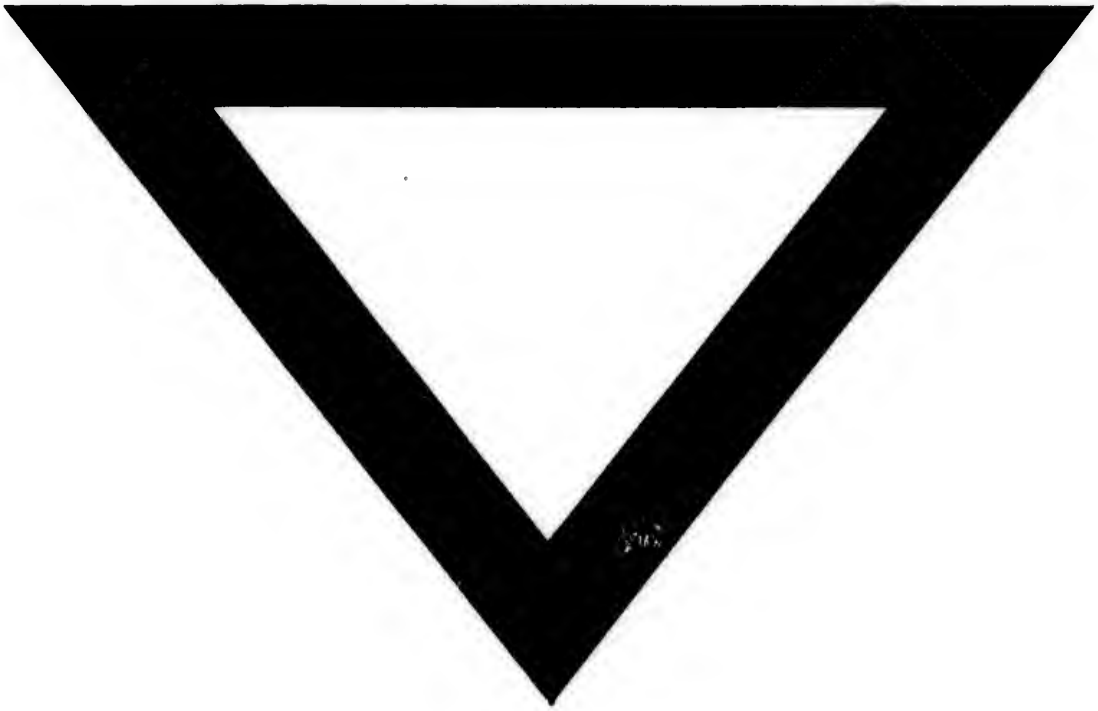
That your Petitioners have the greater cause to complain of the danger to which they and their families were thus unnecessarily subjected on the occasion, by Colonel Higgins, the Commandant of this Garrison, inasmuch as in pursuing the course your Petitioners complain of, he did not as your Petitioners are informed, and believe they can prove, vouchsafe to consult on the subject the local authorities, or any of them, competent to decide thereupon, who were on the spot, and that the blowing up of the portion of the building in which by his orders gunpowder was so placed, did not extinguish the fire, nor in the least arrest its progress, it being also very manifest at the time, that such step would prove wholly unavailing. In fact several persons present who were of that opinion endeavoured, but to no purpose, to remonstrate, as your Petitioners are informed, with the said Commandant, on the inutility of the measure he was adopting.

That this assumption of Colonel Higgins, as Commandant of the Garrison of Quebec, to blow up by means of gunpowder, and in a populous neighbourhood, a public building in a state of conflagration in this City, with a view of arresting the progress of the flames, and without previously consulting in some shape or other the competent local authorities of the City, is, your Petitioners humbly submit, however well intended it may have been, a most dangerous precedent, and one of a nature to alarm the Citizens, whom it is of a tendency to deprive of a rightful protection of the laws of the land, and to place them under military rule and despotism.

That your Petitioners therefore humbly submit the case to your Honorable House with the view to prevent on any future occasion of the like nature, a recurrence of the grievance whereof they complain ; and to secure to themselves and their fellow Citizens, in such cases hereafter, the protection of such law or laws as Your Honorable House may deem expedient to enact for the purpose, and that the Citizens of Quebec may not remain, on occasions of the sort, subject to the mere will and pleasure of the person, who, for the time being, may be the Military Commandant of the Garrison ; and moreover humbly pray that Your Honorable House will be pleased to institute an enquiry into the origin, circumstances, and incidents of the said fire, in order that Your Honorable House may fully understand the subject complained of, and determine as, to justice, it may seem most expedient.

And your Petitioners, as in duty bound, will ever pray.

JOSEPH PAINCHAUD, M. D.
WILLIAM HOLEHOUSE.
MRS. DAVID ROSS.

Quebec, 10th September, 1852.

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